THE TRAVANCORE LUNACY BILL.

Mr. Kayalam Paramesvaran Pillai: Sir, I beg to move that the Travancore Lunacy Bill, as passed by the Sri Mulam Assembly, be taken into consideration. The existing Lunacy Regulation was passed thirty years ago by Regulation I of 1080. It has been found to be not sufficient to meet all requirements and it has come in for severe criticism. It must be gratifying to this House to note that it is one of the Honourable members of this House, Mr. Madhavan Pillai, who took up this matter some six years or so ago and urged before the Legislature the various serious defects of the law. Consequent upon this criticism the matter was taken by Government and the whole question was examined and it was found that the Regulation as it stood was defective to a very great extent. I shall mention the most important point in respect of which the Bill was defective. In the Regulation as it stands, a lunatic can get summary protection in the asylum only if he is a dangerous lunatic. The result is that if a lunatic is wandering in a street and uncared for and molested by others but still not a dangerous lunatic, it was nobody's concern to take hold of him and lodge him to the Asylum. That was a serious defect that was pointed out. It is now provided by the present Bill that even though a lunatic may not be a dangerous lunatic, but is still found that he is wandering about, left uncared for and unattended and perhaps even cruelly treated by those who are in possession of his property or by those who are bound to look after him, in all such cases he may be taken hold of by the State authorities and lodged in an Asylum for proper treatment. In order that such lodging may not be an unnecessary drain on the public funds, it is also provided that the maintenance of such lunatics should be met by those who are in possession of his property or who are bound to maintain him. I may also say that the Bill is drawn closely on the lines of a corresponding enactment in British India which was passed in 1912. I trust that the House will allow this motion.

Mr. M. N. Paramesvaran Pillai: May I know why an idiot is also included in the definition of a lunatic?

Mr. Kayalam Paramesvaran Pillai: Because he is not able to look after himself or his estate.

Mr. M. N. Paramesvaran Pillai: In such a case will he not be a menace to the public?

Mr. Kayalam Paramesvaran Pillai: No, not necessarily.

Mr M. N. Paramesvaran Pillai: Who is to adjudicate it?

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Mr. Kayalam Paramesvaran Pillai: The court, on a medical certificate primarily by the criminal court and afterwards by the civil court, if it becomes necessary.

Mr. C. O. Madhavan: I second it.

Mr. N. Ramakrishna Pillai (*Vaikam* cum *Shertallai*); Before this Council passes this Bill I wish to make a few observations. The time at our disposal, so far as I could see, is too short for a consideration of the various provisions contained in this Bill. The Bill is not an unimportant measure, and I would, as Mr. Balakrishnan Tampi pointed out, suggest that it would have been better if we had been given sufficient time for its proper consideration.

As it is, I would make one or two suggestions for the consideration of the learned Law Member. Take for instance, the provision for the management of the lunatics' estates contained in Chapter IV. In that Chapter of the Bill provision is made for the appointment of a guardian or a manager and the District Court is given power in certain cases while in other cases the Division Peishkar is given that power. In the case of a lunatic possessed of extensive properties this provision becomes a matter of importance. A distinction is made in the cases of movable and immovable properties. The Division Peishkar may be asked to appoint a manager in all cases concerning immovable properties, while in all the other cases it is the District Court that directly appoints the manager.

Mr. Kayalam Paramesvaran Pillai: Is there no provision that the Division Peishkar should be appointed by the District Court?

Mr. N. Ramakrishna Pillai: But it is the Division Peishkar that appoints the manager.

Mr. Kayalam Paramesvaran Pillai: Is there not the provision that the Division Peishkar comes in only with the sanction of the District Court?

Mr. N. Ramakrishna Pillai: Yes. But why should there be an intervention of a Division Peishkar for the management of his estate. In British India we find the conditions are different. In the Indian Civil Procedure Code provision is made for the management of certain estates by Collectors. They act as Receivers in certain cases. In British India a distinction has been made because there are revenue paying estates where the Collector's intervention is absolutely necessary. Here we have not made any such distinction even in our Civil Procedure Code. The Courts take possession of estates and manage them through receivers or managers appointed directly by them. There is no reason, so far as I am aware, why the Division Peishkar should be asked to appoint a manager for

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[Mr. N. Ramakrishna Pillai.]

their estate. It seems to me that there is no necessity for a dual agency in regard to the management of the lunatics' estates. Necessarily the management of estates by Division Peishkars cannot be so efficient as the management through the District Courts. There are a large number of practising lawyers who could be appointed to take possession of such estates and manage them for the lunatics. There is no need for the intervention of the Division Peishkar. That is one point that struck me. There are other provisions also which may require further elucidation and which may require amendments if proper time is allowed to us. The time at our disposal for the study of the Bill was too short and I have not been able to send in any amendments. I know that there is some urgency with regard to the passing of this Bill.

Mr. Kochikal P. Balakrishnan Tampi : May I know the nature of the urgency ?

Mr. N. Ramakrishna Pillai : That is my information. I do not want to stand in the way of the early enactment of this Bill. I am merely putting it to the Law Member whether amendments are not necessary and if so, whether he could not defer consideration of it to a future date. These are all the observations that I have to make at this stage.

Mr. Kayalam Paramesvaran Pillai : With reference to the observations made by Mr. Ramakrishna Pillai I would say that the Peishkar comes in only when the District Court appoints him as the guardian. The provision for that is contained in Clause 42. It reads thus ;

> " If the estate of a lunatic so found consists in whole or in part of land or any interest in land, the District Court may direct the Division Peishkar of the place to take charge of the person and estate of the lunatic.

So the whole thing is left to the discretion of the Court.

Mr. N. Ramakrishna Pillai : There is no discretion in the case of the immovable properties.

Mr. Kayalam Paramesvaran Pillai : The Clause says ;

> " The District Court may direct the Division Peishkar of the place to take charge of the person and estate of the lunatic.

The Peishkar thus comes in only with the sanction of the Court. The Court is only given a discretion in the matter.

Mr. N. Ramakrishna Pillai : It is not that I object to the court being given sufficient power for the appointment of the guardian or manager. My observation relates to the fact that in the

LIBRARY ARCHIVES Kerala Legislative Assembly

case where a lunatic is possessed of immovable properties there is no provision for the appointment of a manager directly by the Court. Clause 17 reads :-

> ' If the estate of a lunatic so found consists in whole or in part of land or any interest in land, the District Court may direct the Division Peishkar of the place to take charge of the person and estate of the lunatic. ''
>
> " The Division Peishkar shall thereupon appoint a manager of the estate and may appoint a guardian of the person of the lunatic. "
>
> " In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person. "

In the case of a person possessed of land the court has to call upon the Division Peishkar to take up the management of the estate. There is no other provision. That is the point that I want to stress.

Mr. Kayalam Paramesvaran Pillai : I am afraid, that again is a misunderstanding. What Section 42 lays down is this :

> " If the estate of a lunatic so found consists in whole or in part of land or any interest in land the District Court may direct the Division Peishkar of the place to take charge of the person and estate of the lunatic ?

The question of such appointment of the guardian comes in only where there are lands possessed by the lunatic on an extensive scale. If there is no land the District Court cannot in any circumstances appoint the Peishkar as the guardian. This provision exists even now in the existing Regulation and it is in the British Indian Act also. I perfectly agree with the observation of Mr. Ramakrishna Pillai that it is only very rarely that the provision will have to be put into operation. In Travancore perhaps there are not many lunatics who owned estates on an extensive scale in many places. But it is necessary to make all necessary provisions when we prepare a Bill of this sort even though the necessity for it may arise only very rarely. When we are enacting a law we should try to make it as complete as possible.

Mr. E. P. Varghese : May I know whether there is any urgency in passing this Bill forthwith in view of the fact that this Bill is the one with the largest number of clauses that has been introduced today? There seem to be amendments to be raised and most of us have not gone through the Bill carefully and by the nature of the observation made by the honourable member for Vaikam cum Shertallai I would request the Law Member to consider whether the Bill cannot be postponed till the next session.

Mr. K. P. Nilakanta Pillai : I would like to make a few observations. I agree with the members of this House that they

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. K. P. Nilakanta Pillai.]

should have given more time to consider an important Bill of this nature. But we have been agitating for a measure of this kind for the last ten years. Now as a result of that agitation this Bill has been prepared and the Assembly has passed it. I found time to carefully read through the Bill and as it struck me I have tabled some amendments also. I do not want honourable members to rely upon the extent of my information regarding this Bill. But so far as I can understand no material amendments are necessary. The urgency of the measure is a long felt one. Those who are living in the Trivandrum Town will feel how innocent mad people are treated and what their condition is. It is nothing but inhuman treatment that they generally receive. Therefore to enable them to have some sort of relief I am of opinion that this Bill may be considered and passed now.

Chairman: What about the member's amendments ?

Mr. K. P. Nilakanta Pillai: I may observe that they are not very material amendments. They are not amendments which will go to the root of the Bill, so that it may materially change the Bill. Therefore there may not be much harm even if I am allowed by the House to withdraw all those amendments.

Chairman: I wish to ascertain the sense of the House. Is the Law Member agreeable ?

Mr. Kayalam Paramesvaran Pillai: Sir, Mr. K. P. Nilakanta Pillai pointed out this was an all-important measure and as I explained at the very out-set it was an honourable member of this House that set the ball in motion, and pointed out that the existing Regulation was defective seriously.

Mr. M. N. Paramesvaran Pillai: Is it not better for the same consideration to postpone the consideration of the Bill to be taken up when that honourable member is present ?

Mr. Kayalam Paramesvaran Pillai: It is not necessary, Sir. I am sorry that I was not able to bring this measure up to this stage long ago. That is what I feel about the matter. My opinion is that this House would be consulting the convenience of the general public if it were to pass this measure into law as early as possible.

The motion that the Bill be taken into consideration was put to vote and carried.

Mr. M. N. Paramesvaran Pillai: I demand a poll.

A poll was taken and the House divided as follows :

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AYES.

1 Mr. C. V. Chandrasekharan
2 Dr. M. K. Gopala Pillai
3 Mr. William Foster Inman
4 „ K. N. Kesavan Namputiripad
5 „ C. S. Krishnaswami Aiyar
6 „ A. Kumara Pillai
7 Rao Sahib Dr. N. Kunjan Pillai
8 Mr. C. O. Madhavan
9 „ K. Madhavan Pillai
10 „ M. N. Narayana Menon
11 Mr. K. P. Nilakanta Pillai
12 „ K. Padmanabha Panickar
13 „ N. K. Padmanabha Pillai
14 „ P. Padmanabhan Tampi
15 „ Kayalam Parameswaran Pillai
16 Rao Bahadur N. Ramanuja Aiyangar
17 Mr. K. Rama Varma Raja
18 „ James Simpson
19 „ G. B. E. Truscott

NOES—7.

1. Mr. V. S. Arumukham Pillai
2 „ Kochikal P. Balakrishnan Tampi
3 „ G. Narayana Aiyar
4 Mr. M. N. Parameswaran Pillai
5 „ N. Ramakrishna Pillai
6 „ E. P. Varghese.
7 „ A. N. Visvanatha Pillai

NEUTRALS—7.

1 Mr. S. Adam Sait
2 „ Jacob Hassan Sait
3 „ J. John Kattakayam
4 „ H. O. L. Marikkar
5 Mr. S. Piraviperumal Pillai
6 „ Komilezhathu Sankaran
7 „ Sankaralingam Pillai

The motion was declared carried, 19 voting *for*, 7 *against* and 7 remaining *neutral*.

Chairman : The motion that the Bill be taken into consideration is passed. Now we will proceed clause by clause. Mr. K. P. Nilakanta Pillai has sent in certain amendments.

Mr. K. P. Nilakanta Pillai : Sir, I do not propose to move my amendments.

Chairman : Then do you withdraw all the amendments?

Mr. K. P. Nilakanta Pillai : I withdraw all the amendments.

Mr. G. Narayana Aiyar : Sir, are we at liberty to suggest amendments even though we have not sent in amendments previously?

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Chairman ; It is too late to think of amendments now.

Clauses 1 to 72.

Clauses 1 to 72 were, one by one, put to vote and carried.

Clauses 1 to 72 were added to the Bill.

Schedule and Forms.

The question that the Schedule and Forms to the Bill do stand part of the Bill was put and carried.

The Schedule and Forms were added to the Bill.

Preamble

The question that the Preamble to the Bill do stand part of the Bill was put and carried.

The Preamble was added to the Bill.

Title.

The question that the Title do stand part of the Bill and was put and carried.

The Title was added to the Bill.

Mr. Kayalam Paramesvaran Pillai : Sir, I move that the Travancore Lunacy Bill be passed into law.

Mr. C. O. Madhavan : I second it.

The motion was put to vote and carried and the Bill was passed.

THE TRAVANCORE BOILERS BILL.

Mr. Kayalam Paramesvaran Pillai : Sir, I beg to present the report of the Select Committee on the Travancore Boilers Bill and move that the Bill as reported be taken into consideration.

Mr. C. O. Madhavan : I second it.

Mr. S. Adam Sait : Sir, in supporting the motion I have to make one observation, *viz.*, that specific provision to safeguard the men who are working at the boilers is necessary and I hope that some provision would be made for it in the present Bill.

Chairman : The member will make his point clearer.

Mr. S. Adam Sait : In the present Bill as it stands no specific provision is made for safeguarding the interests of the existing men who are working at these boilers. Some provision is necessary for that purpose and I hope that the Law Member will consider it.

Chairman : Does the member mean that the provisions with regard to the qualifications prescribed in the Bill should not be applied to the existing workmen ?

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